

Serial No.: 10/524,195  
Examiner: Andrew M. Gilbert  
Title: NEEDLELESS PORT (as amended)  
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### REMARKS

Reconsideration is requested in view of the following remarks. Claims 1, 2, 3 and 10 have been editorially revised. Support for the revision can be found from page 3, line 36 to page 4, line 5, on page 6, lines 9-12, and page 11, lines 16-20 of the specification and in Figures 3, 6A and 6B, among other places. No new matter has been introduced. Claims 1-22 remain pending in the application.

### Objection to the Drawings

The drawings are objected to because they do not include the compression ribs provided at both side ends of the main body in the breadth direction. Applicant respectfully traverses the objection. The compression ribs have been shown, for example, in Figures 3, 6A and 6B, recited by reference number 12, at both side ends and in the breadth direction of the main body of the septum, which is referred by reference number 11 in Figures 3, 6A and 6B. More specifically, the main body 11 is a portion of the septum that is sandwiched between the outer-end plate 3 and the inner-end plate 9 of the septum, as shown in Figures 3 and 5. See also page 9, lines 31-32, of the specification. Referring particularly to Figure 6A, for example, main body 11 has a horizontal major axial in its length direction and has a vertical minor axial in its breadth direction. Therefore, the compression ribs provided at both side ends of the main body in the breadth direction are shown by reference number 12 at least in Figures 3, 6A and 6B. The objection has thus been overcome.

In addition, the drawings are also objected to because the drawings do not include the inner wall of the cover forming the cavity that is tapered so that the diameter of the cavity section gradually becomes larger from the inner end thereof along the axis of the cavity. Claim 10 has been revised editorially and the claimed structure is illustrated in Figure 1B. The objection has therefore been overcome.

### Objection to the Specification

The title is objected to as being not descriptive. The title has been revised as suggested by the Examiner.

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The specification is objected to as failing to provide proper antecedent basis for the subject matter recited in claim 10. Claim 10 has been revised to correctly recite the structure that is disclosed in the specification. The objection has thus been overcome.

### **Claim Objections**

Claim 3 is objected to because of informalities. Claim 3 has been editorially revised in accordance with the Examiner's suggestion.

### **Claim Rejections – 35 USC § 102**

Claims 1-2, 4, 6, 7, 18 and 19 are rejected under 35 USC § 102 (b) as being anticipated by Atkinson et al. (US 5,533,708). Applicant respectfully traverses this rejection.

Claim 1 requires a septum including a main body that has an external dimension in a length direction larger than in a breadth direction. Claim 1 also requires a passageway including a slit and a bore. The bore extends from the slit to the inner-end face of the main body of the septum. Moreover, claim 1 includes compression ribs that are provided on the external surface of the main body of the septum. The bore of the passageway is closed by a compressive force applied from the internal wall of the cover to the septum via the compression ribs. In addition, claim 1 requires a space formed between the external surface of the main body of the septum at a part without the compression ribs and the internal wall of a cover. With the configuration of the space, when an insertion member is inserted, it is possible to prevent the septum from being twisted. See, e.g., page 7, lines 32-34 of the specification.

Atkinson et al. fail to disclose or suggest a septum including a main body that has an external dimension in a length direction larger than in a breadth direction, as recited in claim 1. In fact, in Atkinson et al., the lateral section of the tubular body portion is in a circular shape, as shown, for example, in figure 5 of Atkinson et al. Thus, the external dimension of the tubular body portion in one direction is not different from that in another direction in Atkinson et al. Moreover, the passageway including a slit and a bore extending from the slit to the inner-end face of the main body of the septum, as required

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in claim 1, is nowhere disclosed or suggested by Atkinson et al. On the contrary, the slit 36 or 36" referred in either Figures 4 or 10 of Atkinson et al. includes only one structural member, rather than two structural members, for example, a slit and a bore, as recited in claim 1. There is no basis for arbitrarily dividing element 36 or 36" into different features, as the rejection requires to meet claim 1.

Furthermore, Atkinson et al. fail to disclose or suggest compression ribs that are provided on the external surface of the main body of the septum, as recited in claim 1. On the contrary, the rib members disclosed in Atkinson et al. extend radially inwardly from an inner wall of the tubular body portion toward the slit. As a result, the Atkinson et al. structure does not apply a compression force from the internal wall of the cover to the septum via the external compression ribs, as recited in claim 1.

In addition, Atkinson et al. fail to disclose, teach or suggest a space formed between the external surface of the main body of the septum at a part without the compression ribs and the internal wall of a cover, as recited in claim 1. In fact, no space between the external surface of the tubular body portion and the internal wall of the retainer is ever disclosed or suggested in Atkinson et al.

For at least these reasons, claim 1 is patentable over Atkinson et al. Claim 2 is patentable over Atkinson et al. for at least the reasons similar to those in the above discussion regarding claim 1. Claims 4, 6, 7, 18 and 19 are also patentable since they depend ultimately from claim 1 that is allowable.

#### **Claim Rejections – 35 USC § 103**

Claims 8-9, 11-12 and 14-15 are rejected under 35 USC 103(a) as being unpatentable over Atkinson et al. Applicant respectfully traverses this rejection. Claims 8-9, 11-12 and 14-15 depend ultimately from claim 1 and are patentable over Atkinson et al. for at least the same reasons discussed above regarding claims 1, 4, 6, 7, 18 and 19. Applicant does not concede the correctness of the rejection as applied to claims 8-9, 11-12 and 14-15.

Claims 3 and 16-17 are rejected under 35 USC 103(a) as being unpatentable over Atkinson et al. (5,533,708) in view of Atkinson et al. (5,010,925). Applicant respectfully

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traverses this rejection. Claims 3 and 16-17 depend ultimately from claim 1 and are patentable over Atkinson et al. (5,533,708) in view of Atkinson et al. (5,010,925) for at least the same reasons discussed above regarding claims 1, 4, 6, 7, 18 and 19. Atkinson et al. (5,010,925) do not remedy the deficiencies of Atkinson et al. (5,533,708). Applicant does not concede the correctness of the rejection as applied to claims 3 and 16-17.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.




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By:

  
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